

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE, DIVISION

ANDREA JO DEBRULER,

Plaintiff,

v.

RACHELE LYNN HERRERA, FIDELITY
INVESTMENTS, LLC, CIGNA (now
purchased by New York Life Group Benefits
Solution) and NATIONAL FINANCIAL
SERVICES, LLC,

Defendants.

Case No. 1:21-cv-138

NOTICE OF REMOVAL

NOW COMES Defendant, LIFE INSURANCE COMPANY OF NORTH AMERICA, incorrectly sued as CIGNA (now purchased by New York Life Group Benefits Solution), by and through its attorneys, HINSHAW & CULBERTSON LLP, and herein files this Notice of Removal of this action to this Court. In support of said Removal, Defendant states as follows:

1. Plaintiff has filed a Complaint captioned *Andrea Jo Debruler v. Rachele Lynn Herrera, Fidelity Investments, LLC, CIGNA (now purchased by New York Life Group Benefits Solution and National Financial Services, LLC)*, in the Grant Superior Court in Grant County, State of Indiana. A copy of the Plaintiff's Complaint is attached hereto and made a part of Group Exhibit "A."

2. Plaintiff alleges that there is an entitlement to life insurance benefits pursuant to life insurance policies of insurance. See Plaintiff's Complaint for Damages, attached hereto as Group Exhibit "A."

3. The claimed life insurance benefit was provided through an employer sponsored employee welfare benefit plan through the decedent's employer, Red Gold, Inc., and governed by the Employee Retirement Income Security Act, 29 U.S.C. §1001 et. seq.

4. This action may be removed pursuant to 28 U.S.C. §1441(a). This Court has federal question jurisdiction under 28 U.S.C. §1331 and 29 U.S.C. §1001 et. seq. as the Group Employee Benefit Plan under which Plaintiff seeks to recover life insurance benefits is governed by the Employee Retirement Income Security Act ("ERISA"), 29 U.S.C. §1001 et. seq.

5. Pursuant to 28 U.S.C. §1367, this Court has supplemental jurisdiction over the Plaintiff's state law claims, as the state law claims are so related to the claims with original jurisdiction that they form a part of the same case or controversy under Article III of the United States Constitution.

6. The complaint was served on Defendant on March 15, 2021, making this Notice timely.

7. Pursuant to 28 U.S.C. §1446(a), Defendant attaches to this Notice of Removal, a copy of all process, pleadings and other orders served upon them in the state court action to date. See Group Exhibit "A", attached hereto.

8. Concurrent with the filing of this Notice of Removal, Defendant is filing a Notice of Filing Notice of Removal with the Grant Superior Court in Grant County, State of Indiana.

9. As evidenced by the signature of counsel and the parties below who have been served, Defendants consent to the removal of this case to the Northern District of Indiana, Fort Wayne Division.

Respectfully submitted,

HINSHAW & CULBERTSON LLP

By: /s/ *Jennifer Kalas*

Jennifer Kalas (17396-64)

322 Indianapolis Blvd., Suite 201

Schererville, IN 46375

Phone No.: 219-864-5051

Fax No. 219-864-5052

E-mail Address: jkalas@hinshawlaw.com

STATE OF INDIANA)

IN THE GRANT SUPERIOR COURT

COUNTY OF GRANT)

GRANT COUNTY, INDIANA

ANDREA JO DEBRULER,

Plaintiff,

Cause No. 27D03-2103-CT-000016

v.

RACHELE LYNN HERRERA, FIDELITY
INVESTMENTS, LLC, CIGNA (now purchased
by New York Life Group Benefits Solution) and
NATIONAL FINANCIAL SERVICES, LLC,

Defendants.

CONSENT TO REMOVE

Defendants, FIDELITY INVESTMENTS, LLC and NATIONAL FINANCIAL
SERVICES, LLC, hereby consent to the removal of the above-captioned case to the United States
District Court, Northern District of Indiana.



JOHN SPURWAY

Name

SR. ANALYST

Title

4-13-2021

Date